



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, MARCH 9, 2005

9:00 a.m.
City Council Chambers
Room 205
City Hall

801 North First Street
San Jose, California

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Plan Implementation Division
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP
Director Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE), 998-5299 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **March 9, 2005**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Joe Babiasz (joe.babiasz@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [TR05-001. Tree Removal Permit](#) request to remove one Mulberry Tree, 60 inches in circumference on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Noble Avenue and Mira Vista Circle (3304 NOBLE AV) (Stauffer Craig And Jill, Nagrampa James S And Wencesla O, Owner). Council District 4. CEQA: Exempt.
- b. [TR04-072. Tree Removal Permit](#) to remove one Italian Stone Pine tree 98 inches in circumference and one Aleppo Pine tree 135 inches in circumference on a 0.45 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 1475 Lupton Avenue (McClellan Rebecca Trustee & Et Al, Owner). Council District: 6. CEQA: Exempt.
- c. [H04-043. Site Development Permit](#) request to demolish one single-family residence and construct a 3,065 square foot building for retail uses on a 0.23 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northeast corner of Bascom Avenue and Jewell Drive (2894 S BASCOM AV) (Giannotti Inc, Owner). Council District 9. SNI: None. CEQA: Exempt.
- d. The projects being considered are located on the southwest corner of Chynoweth Avenue and Cedar Grove Circle (190 CHYNOWETH AV), in the A (PD) Planned Development Zoning District (Vang Ho and Chinh Nguyen, Owners). Council District 2. SNI: None. CEQA: Exempt.

1. [PD 04-088. Planned Development Permit](#) to allow the demolition of a single-family detached residence and associated outbuildings and the construction of 6 single family detached residences on a 0.83 gross acre site.
 2. [PT 04-116. Planned Tentative Map Permit](#) to subdivide one parcel into 7 lots for 6 single-family detached residential units on a 0.83 gross acre site.
- e. [SP04-072. Special Use Permit](#) to demolish an existing one-car detached garage, to allow an existing accessory building, and to construct a new carport on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located on the west side of N. 3rd Street, approximately 70 feet southerly of Burton Avenue (1121 N 3RD ST) (Moore Marie D, Owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 2/23/05.
- f. [SP04-054. Special Use Permit](#) to allow the installation of a 750 kw standby/back-up generator at an existing pump station on a 0.47 gross acre site in the CP Pedestrian Commercial Zoning District, located on the north side of Keyes Street between 11th and 12th Streets (525 Keyes Street) (City Of San Jose Department Of Public Works Penelope Juan, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: Exempt.
- g. [H04-047. Site Development Permit](#) to demolish two single-family detached residences, and construct a 5,502-square-foot building for retail commercial uses on a 0.44 gross acre site in the CP Pedestrian Commercial Zoning District, located at the southeast corner of North King Road and Mabury Road (780 N KING RD) (Rosado Leticia And Carmelo G, Owner; Satindar S. Dhillon, Developer). Council District 3. SNI: None. CEQA: EXEMPT.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. [SF04-042. Single-family House Permit](#) to allow the demolition of an existing single-family house and the construction of a new 3,728 square-foot single-family house on a 6,490 square-foot lot in the R-1-8 Zoning District (resulting in a Floor Area Ratio of 0.51) located at/on the 1062 Cherry Avenue (Martin David H And Diane D Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.
- b. [ABC04-014. Liquor License Exception](#) request to allow for the off-sale of distilled spirits at a grocery store on a 1.4 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of North 1st Street, approximately 100 feet southerly of Trimble Road (2571 N 1ST ST) (Ghb-The Marketplace, Owner). Council District 4. SNI: None. CEQA: Exempt.

This concludes the Planning Director's Hearing for March 9, 2005. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/index.htm>
PUBLIC INFORMATION COUNTER
(408) 277-4576 CITY OF SAN JOSE

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
PLANNING DIRECTOR'S HEARING**

Synopsis of Staff Recommendations

February 23, 2005

PUBLIC HEARINGS

1. DEFERRALS

2. CONSENT CALENDAR

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| a. | TR04-129 | APPROVED |
| b. | PD04-084 | APPROVED |

3. PUBLIC HEARING

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| a1. | PD04-024 | APPROVED |
| a2. | PT04-120 | APPROVED |
| b. | SP04-072 | DEFERRED TO 3/9/05 |
| c. | T05-001 | APPROVED |
| d. | SP04-032 | APPROVED |
| e. | SP04-071 | APPROVED |
| f. | PDA97-052-03 | APPROVED |
| g. | TR04-106 | DROPPED |